

Notice of Allowability	Application No.	Applicant(s)	
	09/977,225	FREUDENTHAL ET AL.	
	Examiner	Art Unit	
	Brian J. Sines	1743	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the response filed 3/18/2005.
2. ☒ The allowed claim(s) is/are 2-6,9,12-17 and 24-30.
3. ☒ The drawings filed on 10/16/2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

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DETAILED ACTION

EXAMINER'S AMENDMENT

Claims 18 – 23 have been canceled.

Response to Arguments

1. Regarding the rejection of claims 24 – 30 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention, applicant's arguments and amendments, filed 3/18/2005, have been fully considered and are persuasive. This rejection has been withdrawn.
2. Regarding the rejection of claim 1 under 35 U.S.C. 102(e) as being anticipated by Frye et al. (U.S. Pat. No. 6,272,939 B1), applicant's arguments and amendments, filed 3/18/2005, have been fully considered and are persuasive. This rejection has been withdrawn.
3. Regarding the rejection of claims 7, 8, 10 and 11 under 35 U.S.C. 103(a) as being unpatentable over Frye et al., applicant's arguments and amendments, filed 3/18/2005, have been fully considered and are persuasive. This rejection has been withdrawn.

Allowable Subject Matter

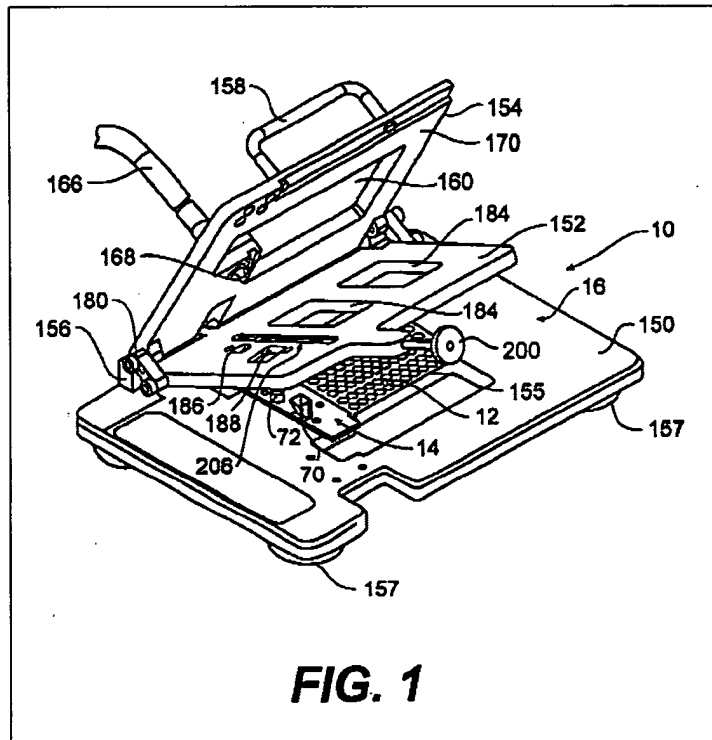
Claims 2 – 6, 9, 12 – 17 & 24 – 30 are allowed.

The following is an examiner's statement of reasons for allowance:

Frye et al. (U.S. Pat. No. 6,272,939 B1) teach an apparatus for filling a substrate with a liquid sample. Frye et al. teach an apparatus (10) comprising: a substrate (12) comprising: sample chambers (18); a fill port (20); and a network of passageways (17) connecting the sample chambers to the fill port; a substrate support (base plate 150) to retain the substrate in a fill position; a valve module (filling station 16) on the substrate support (150), wherein the valve

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module comprises a fill port seal opening (fill reservoir 70) to connect with the fill port of the substrate in the fill position, and a vacuum opening (vacuum port 72) for connection to a source of vacuum, and further comprising a valve body (middle plate 154) comprising a liquid outlet port (through-hole 160) and a vacuum port (vacuum nozzle 162); and a means (hinge 156 & overcenter linkage 180) for operating or actuating the valve body (154) so that the liquid outlet port (160) and the vacuum port (162) are alternately in fluid communication with the fill port seal opening (70) (see col. 4, line 25 – col. 16, line 23; figures 1 – 15).



The cited prior art neither teach nor fairly suggest the further incorporation within the apparatus of Frye et al. a valve body comprising a cylindrical body rotatable in a bore of the valve module. The cited prior art neither teach nor fairly suggest the further incorporation within the apparatus of Frye et al. a means for simultaneously actuating the at least two valve bodies comprising a reciprocal comb member having tooth-like valve handle engaging projections,

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which exceed the number of valve bodies by one. The cited prior art neither teach nor fairly suggest the further incorporation within the apparatus of Frye et al. a common housing comprising front and back sides, wherein the fill port seal openings for the at least two valve members are aligned on the front side of the common valve housing, and wherein the vacuum port openings are accessible at the back side of the common valve housing. The cited prior art neither teach nor fairly suggest the further incorporation within the apparatus of Frye et al. a valve body of the at least two valve members comprising a cylindrical body rotatable in the respective housing component, wherein the vacuum port is defined by a diametric hole through the cylindrical body.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian J. Sines, Ph.D. whose telephone number is (571) 272-1263. The examiner can normally be reached on Monday - Friday (11 AM - 8 PM EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jill A. Warden can be reached on (571) 272-1267. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Jill Warden
Supervisory Patent Examiner
Technology Center 1700